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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,403	10/11/2001	Barbara MacRae	BOI-0194US	2793
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LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			EXAMINER AKINTOLA, OLABODE	
			ART UNIT	PAPER NUMBER
			3691	
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			09/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/976,403

Applicant(s)

MACRAE ET AL.

Examiner

Olabode Akintola

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1- 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (USPN 5544842) in view of Fad et al (USPN 5793632) and further in view of Wong (USPN 5432904).

Re claim 1,10, 19 and 28: Smith teaches certification activity based on modification (col. 3, lines 61-67). Smith does not explicitly teach estimating man-hours and costs comprising: entering one or more components; automatically identifying other components based on the entered one or more components, at least some of the identified other components being only indirectly related to the modification; identifying scope of work needed for each of the identified components; determining if the entered and identified components and the associated scopes of work apply to

the modification; and generating an estimate of man-hours and costs needed to complete all of the determined scopes of work.

Fad teaches a method for estimating man-hours and costs comprising: entering one or more components (col. 1, lines 17-18, col. 3, lines 14-22 and Figures); identifying scope of work needed for each of the identified components (Abstract); determining if the entered and identified components and the associated scopes of work apply to the modification (col. 3, lines 14-22 and Figures); and generating an estimate of man-hours and costs needed to complete all of the determined scopes of work (col. 3, lines 14-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include these steps. One would have been motivated to do this in order to determine the total cost of modifying the system to get it certified by a regulatory agency.

Wong teaches automatically identifying other components based on the entered one or more components, at least some of the identified other components being only indirectly related to the modification (Abstract, col. 5, lines 27-47, col. 6, lines 1-28, col. 7, lines 12 through col. 13, lines 53). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include this step in order to list other components requiring certification associated with the entered component that would be affected by the modification.

Re claims 2, 11, 20 and 29: Smith teaches wherein scope of work comprises one or more methods of compliance to be performed in order to satisfy one or more government regulations associated with the component (col. 3, lines 6-17).

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Smith does not explicitly teach wherein the estimate includes estimated man-hours and costs for performing the one or more method of compliance. Official notice is hereby that this feature is old and well known. For example, it is well known that most DMVs/MVAs requires vehicles to be inspected for roadworthiness by selected auto repair shops before registration. Depending on the category of vehicles (SUVs, miniivans, or sedans), a fee, estimated by the auto repair shop based on the estimated man-hours required for such inspection, is charged for this service. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include this step in order to determine the total man-hours and costs for performing the method of compliance to get it certified by a regulatory agency.

Re claims 3, 12, 21 and 30: Smith teaches wherein the one or more methods comprises at least one of testing, demonstrating, simulating, analyzing, or inspecting (col. 3, lines 6-17).

Re claims 4, 13, 22 and 31: Smith teaches wherein the government regulations are one of federal aviation regulation or joint aviation requirement (col. 3, lines 6-17).

Re claims 5, 14, 23 and 32: Smith teaches wherein determining comprises supplying queries to a user, wherein the queries relate to applicability of an associated component (col. 4, lines 41-61).

Re claims 6, 15, 24 and 33: Smith teaches wherein the queries are at least one of a physical, spatial, functional, or safety query (col. 4, lines 41-61).

Re claims 7, 16, 25 and 34: Smith teaches wherein the system is an aircraft, wherein entering comprises entering aircraft model type affected by the modification, and wherein identifying is further based on the entered aircraft model type (col. 5, lines 30-47)

Re claims 8, 9, 17, 18, 26, 27 and 35-37: Smith does not explicitly teach identifying any certification deliverables based on the determined applicable components and associated scopes of work; and identifying government forms associated with the identified deliverables. Official notice is hereby taken that it is old and well known in the art to identify certification deliverables and identifying government forms associated to the deliverables. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include these steps. One would have been motivated to do so in order to obtain the certification on the modified system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sandifer (USPN 6292806) teaches a computer aided maintenance and repair information system for equipment subject to regulatory compliance.

Foley (USPN 5249120) teaches an automated manufacturing costing system and method.

Natarajan (USPN 4887206) teaches an automated system for estimating impact on inventory cost due to an engineering change to a component.

Pan et al (USPN 5960417) teaches IC manufacturing costing control system and process.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



HANI M. KAZIMI
PRIMARY EXAMINER